

Docket No. NEC N01268
Serial No. 09/855,971
Supplemental Amendment A

REMARKS

The claims have been amended to better define and distinguish the claimed invention from the prior art.

The claimed invention, as amended, has main features in that the receiving terminal is provided with a viewer attribute setting section which the viewer uses to set and store the attribute information of the viewer in advance; and the attribute information includes at least information about an age, a sex and a preference of the viewer, and is read from said viewer attribute setting section, to automatically select one commercial message material out of a plurality of commercial message materials.

The above features are supported by the original disclosure:

"The receiving terminal 4 is made up of a viewer attribute setting section 44 used to store attribute information of a viewer input, in advance, by the viewer..." (See page 17, lines 2-4 of the Specification); and

"Moreover, the attribute information of the viewer includes information about fixed attributes of the viewer (such as an age, sex or a like) and about a preference of the viewer (such as the information about a type of an automobile or a like)." (See page 18, lines 7-10 of the Specification).

Wilkins (US Patent No. 5,466,919) is quite different. With a communication system disclosed by Wilkins, a master database (20) is maintained, containing demographic and psychographic information about each audience member. This information is transmitted and stored in a channel/decoder (100) unit associated with each audience member's receiver.

Multiple media messages are transmitted to each audience member. Accompanying the

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Docket No. NEC N01268
Serial No. 09/855,971
Supplemental Amendment A

transmission is a selection profile command, which details the demographic/psychographic profile of audience members that are to receive each media message. The channel/decoder (100) unit associated with each member's receiver compares the selection profile with the demographic/psychographic information about the audience member and selects the appropriate media message for that audience member.

"Demographics" is defined as: "statistical data relating to the population and groups within it, used especially in the identification of consumer markets."

"Psychographics" is defined as: "the study and classification of people according to their attitudes, aspirations, etc., especially in market research."

With the instant claimed invention, the attribute information of the viewer is set in advance, by the viewer, using the viewer attribute setting section in the receiving terminal, whereas with the configuration of Wilkins, statistical data about each audience member is produced in the master database, not in the receiving terminal and not by the viewer.

In addition, it should be noted that the attribute information (that is, a preference) of the viewer can be used as a sample of statistical data, whereas it is not necessarily obtained from the statistical data.

Accordingly, in view of the foregoing comments and amendments, it is submitted that none of Applicant's claims can be said to be anticipated by or for that matter obvious from Wilkins or any of the other art of record.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

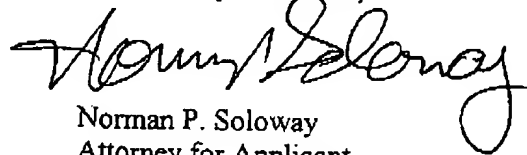
HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Docket No. NEC N01268
Serial No. 09/855,971
Supplemental Amendment A

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

CERTIFICATE OF TRANSMISSION VIA FACSIMILE

I hereby certify that this correspondence (consisting of 13 pages) is being sent via facsimile to EXAMINER JADE O. LAYE, Art Unit 2617, of the United States Patent and Trademark Office at facsimile number (571) 273-8300, on December 1, 2005 from Tucson, Arizona.

By M. Diane Dubé

NPS:dd

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.669.8567